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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,651	03/19/2004	Tae Han Jee	060944-0200	7754
24341	7590	12/07/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306			BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,651

Applicant(s)

JEE, TAE HAN

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 18-38 and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17 and 39 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/19/04, 10/19/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 6). Other: Annotated sheet 1 of 10 from US 2001/0046898.

Election/Restrictions

1. Applicant's election with traverse of Species II shown in Fig. 15 in the reply filed on October 14, 2005 is acknowledged. The traversal is on the ground(s) that some of Figs. 1-14 show only features that are generic to all species. This is not found persuasive because the species are distinct even though some of the drawings are not. The presence of generic claims as well as drawings, does not preclude a valid restriction requirement.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 18-38 & 40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 14, 2005.

Drawings

3. The drawings are objected to because:
- a. Reference numeral 436 appears in Fig. 1, but is not mentioned in the description.
 - b. In Fig. 2 the lead lines for reference characters 49a and 63 are crossed.
 - c. Reference numeral 121 is mentioned in paragraph 0084, but does not appear in the drawings.
 - d. In paragraphs 0087 & 0088, the operating centers S1 & S4 are described as different from each other, but Fig. 14 shows they are the same.

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- e. In paragraph 0088, the mean operating radii R1 & R4 are described as different from each other, but Fig. 14 shows they are the same.
 - f. In paragraph 0092, the operating centers S2 & S3 are described as different from each other, but Fig. 15 shows they are the same.
 - g. In paragraph 0092, the mean operating radii R2 & R3 are described as different from each other, but Fig. 15 shows they are the same.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because:
 - a. The wrong reference numeral is used at page 14, line 17 to identify the cover.
 - b. The word “first” is misspelled at page 14, line 18.
 - c. Page 14, line 20, reference numeral 125 should be inserted after “an end surface”
 - d. Page 14, lines 20 & 21, “bottom surface 121” should be changed to “bottom surface 123”.
 - e. At page 14, line 21 “an angle of D” should be changed to “an angle of E”.

Claim Objections

6. Claim 13 is objected to because in line 4 the word “contacts” is misspelled.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 39 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 39, lines last recites the limitation “the elastic members have different mean operating radii”. However, Fig. 15 clearly

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shows the elastic members 239 & 241 have mean operating radii R2 & R3 that are the same, not different.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 4-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 recites the limitation "the elastic member". There is insufficient antecedent basis for this limitation in the claim because no single elastic member is previously identified as "the elastic member".

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1, 2, 4 & 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rohs et al, US 2001/0046898. Fig. 1 shows a torsional vibration damper comprising: a primary mass

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2 adapted to be coupled to an engine crankshaft, the primary mass defining a substantially ring-shaped chamber that is divided into at least two portions; a secondary mass 1 relatively rotatably connected to the primary mass and connectable with a clutch; and a damping unit (see the coupling elements 3) for coupling the primary and secondary masses to each other in a rotationally elastic manner. Fig. 1 show the damping unit comprises: a plurality of elastic members 31 situated in series and disposed one after the other within the divided portions of the ring-shaped chamber; a pair of end guides (see attached annotated Fig. 1) slidably disposed within each divided portion of the ring-shaped chamber and supporting outer ends of the elastic members 31; and a wedge shaped friction member slidably disposed between neighboring elastic members, the wedge-shaped friction member comprising an inner wedge and an outer wedge (see attached annotated Fig. 1). Fig. 5 shows each wedge is provide with a slanted surface 43. Figs. 7-10 show that when the slanted surfaces contact each other, the inner wedge moves inward and the outer wedge moves outward.

13. Claim 39 is rejected under 35 U.S.C. 102(e) as being anticipated by Rohs et al, US 6,416,416. Figs. 1 & 1A show a torsional vibration damper comprising: a primary mass 1 adapted to be coupled to an engine crankshaft, the primary mass defining a substantially ring-shaped chamber that is divided into at least two portions; a secondary mass 2 relatively rotatably connected to the primary mass and connectable with a clutch; and a damping unit for coupling the primary and secondary masses to each other in a rotationally elastic manner, wherein the damping unit comprises a plurality of elastic members 10 & 5 and at least one friction member 3

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disposed between the elastic members, and the elastic members 10 & 5 have different mean operating radii.

Allowable Subject Matter

14. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claims 5-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kraus, Ohkubo and Jaeckel each show a torsional vibration damper.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Greg Binda', with a stylized flourish at the end.

Greg Binda
Primary Examiner
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Annotated

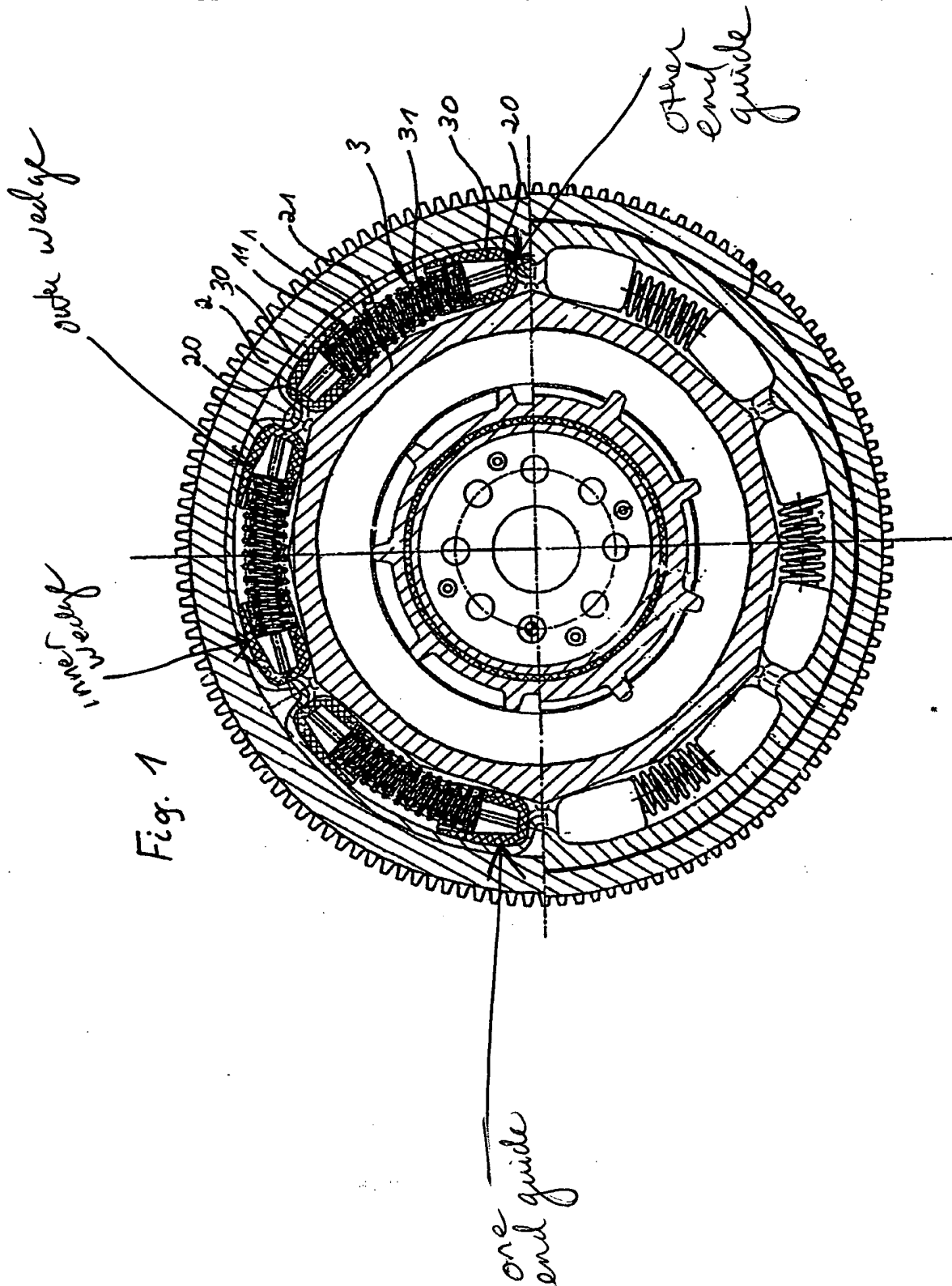


Fig. 1

Part of paper 20051128